

REMARKS

In the office action under reply, the Examiner has rejected claims 1-15 under 35. U.S.C. §112, first paragraph, as lacking enabling disclosure in the specification. Applicants gratefully acknowledge the Examiner's indication that claims 16-19 are allowable.

In the present amendment, claims 2-10 have been canceled and claims 1 and 11-15 have been amended. Thus, claims 1 and 11-19 are now pending. The Examiner's rejection is fully addressed by the above amendments.

The Amendments to the Claims:

Claim 1 has been amended to specify that the method is for inhibiting the proliferation of mammalian retinal endothelial cells via administration of a therapeutically effective amount of 3-N-propylxanthine. Support for these amendments can be found in now canceled claim 5 and in the Examples. Claims 2-10 have, accordingly been canceled and claims 11-15 have been amended to reflect the use of 3-N-propylxanthine. Cancellation of these claims is without prejudice, without intent to abandon any previously claimed subject matter, and without intent to acquiesce in any rejection of record.

Applicants submit that no new matter has been added and no new issues are raised by the aforementioned amendments to the claims. Thus, entry of the above-amendments is proper and is earnestly requested.

The Rejection Under 35. U.S.C. §112, First Paragraph:

The Examiner has maintained her previous rejection of claims 1-15 as lacking enabling disclosure in specification. While Applicants continue to disagree with the Examiner on this issue, in the interest of expediting prosecution of this application, independent claim 1 has been amended to specifically recite that the claimed method is for inhibiting the proliferation of mammalian retinal endothelial cells via administration of a therapeutically effective amount of 3-N-propylxanthine.

As the Examiner will surely agree, the specification clearly provides enabling disclosure for the amended claim. Applicants refer the Examiner to her own discussion on pages 2 and 3 of the Office Action under response, paper 15, wherein she indicates that the specification was enabling

for the methods of inhibiting mammalian retinal endothelial cells using 3-N-propylxanthine.
Reconsideration and withdrawal of the rejection are respectfully requested.

As discussed above, the amendments made to claim 1 and the cancellation of claims 2-10 should not be taken as an indication of Applicants' agreement or acquiescence in the Examiner's rejection. The above-amendments have been made only to facilitate prosecution of the present application and Applicants reserve the right to pursue claims to any material that might be deemed excluded in future continuing applications.

CONCLUSION

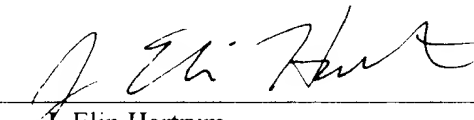
For the foregoing reasons, applicant submits that the claims comply with the requirements of 35. U.S.C. §§112 and are in condition for allowance. A Notice of Allowance is requested, and a prompt mailing thereof would be much appreciated.

Should the Examiner have any questions regarding this amendment, he or she is welcomed to contact the undersigned attorney at (650) 384-8755. Applicants respectfully request that all further communication be sent to the undersigned attorney at the following address:

CV Therapeutics, Inc.
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Respectfully submitted,

Date: 10/1/03

By: 
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